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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

19 On October 18, 2011, the undersigned parties in this case appeared before the Court to set a
20 trial in the above-captioned case. During the appearance, the parties jointly requested a trial date
21 commencing on April 19, 2011. The parties informed the Court that their schedules did not
22 permit an earlier trial date. Specifically, defense counsel Bruce Funk explained that he has trials
23 in January, February, and March of 2011. AUSA Susan Knight informed the Court that she has a
24 business-related trip during the week of March 28, 2011. Based on the aforementioned proffer,
25 the Court scheduled a trial starting on April 19, 2011 at 8:00 a.m., and pretrial conference on
26 April 4, 2011 at 1:30 p.m. The Court also scheduled a status hearing for January 31, 2011 in
27 order for Mr. Funk to update the Court regarding his trial schedule. Finally, the parties jointly
28 requested an exclusion of time under the Speedy Trial Act from October 18, 2010 through

1 January 31, 2011. The undersigned parties agree and stipulate that an exclusion of time is
2 appropriate based on the defendant's need for effective preparation of counsel.

3 SO STIPULATED:

MELINDA HAAG
United States Attorney

5 DATED: 10/19/10

/s/
6 SUSAN KNIGHT
7 Assistant United States Attorney

8 DATED: 10/19/10

/s/
9 BRUCE C. FUNK
Counsel for Mr. Anderson

10

11 ORDER

12 Accordingly, for good cause shown, the Court HEREBY ORDERS that time be excluded
13 under the Speedy Trial Act from October 18, 2010 until January 31, 2011. The Court finds,
14 based on the aforementioned reasons, that the ends of justice served by granting the requested
15 continuance outweigh the best interest of the public and the defendant in a speedy trial. The
16 failure to grant the requested continuance would deny defense counsel reasonable time necessary
17 for effective preparation, taking into account the exercise of due diligence, and would result in a
18 miscarriage of justice. The Court therefore concludes that this exclusion of time should be made
19 under 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

20 SO ORDERED.

21

22 DATED: October 21, 2010

23 
JAMES WARE
United States District Judge